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PLEASE REPLY TO:
Woodbridge

November 22, 1985

Margaret Thompson, Esq.
United States Environmental
Protection Agency
Region II
26 Federal Plaza
New York, NY 10278

Re: Duane Marine Salvage Company Site

Dear Ms. Thompson:

I am writing you once again to request prompt action on Chevron's petition with respect to the referenced matter. Recent events make it even more urgent than before that a prompt decision be made.

Recently, I received correspondence on behalf of Chevron from the Duane Marine Steering Committee in which it is indicated that cost overruns will necessitate a second allocation to all of the potentially responsible parties. I am advised that this second allocation can potentially approach the initial allocation dollar amount. As I have advised you in the past, Chevron's arrangement with the Allocation Committee while its petition is pending is to pay 75% of its full allocation leaving the remainder subject to the determination by EPA. However, Chevron has submitted materials to EPA which, if accepted, will reduce Chevron's allocation by 50%. Thus, you can clearly see that a payment of 75% will be an overpayment by Chevron if it is successful with its EPA petition. In addition, Chevron's arrangement with the Allocation Committee is that it will pay the remaining 25% if no action is taken on its petition by the conclusion of the current phase of the clean-up.

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November 22, 1985

Page -2-

Within days, Chevron will be called upon to make a payment in excess of that which it believes it will have to make if its petition is acted upon. It cannot understand why it is being put in the position of making such a payment when it filed its petition with you nearly six months ago.

If there is anything that Chevron representatives or I can do to expedite the decision making process, I would greatly appreciate it if you would advise me. For example, Chevron representatives and I would be more than happy to meet with you and anyone else from EPA to once again explain Chevron's position on the petition so that expeditious action can be taken.

I would appreciate your promptest attention to this matter.

Thank you.

Very truly yours,

WILENTZ, GOLDMAN & SPITZER, P.A.

BY:


MARVIN J. BRAUTH
For the Firm

MJB:cmt

cc: Thomas P. Grace, Esq.